

Angela Woodhurst
1/28/2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)

ORDINANCE NO. 2014-01

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION 5-2-9 OF THE CODE OF GREENWOOD COUNTY.

WHEREAS, the Greenwood County Council is empowered by the Code of Laws of South Carolina to enact ordinances for preserving peace, order and good government in Greenwood County, and;

WHEREAS, the Greenwood County Council is empowered by the Greenwood County Code to amend the same;

NOW, THEREFORE, BE IT ORDAINED BY THE GREENWOOD COUNTY COUNCIL, DULY ASSEMBLED, AS FOLLOWS:

Section 1. The provisions of Title 5, Chapter 2 of the Code of Greenwood County are hereby amended to read as follows, with those words appearing in red representing the specific amendments:

Sec. 5-2-1. - Purpose.

The purpose of this chapter is to provide a legislative basis for the fair and equitable treatment of all parties involved in public purchasing by the county to maximize the purchasing value of public funds in procurement and to provide safeguards for maintaining a procurement system of quality and integrity. Greenwood County Policy Number 2002 and any subsequent revisions of the same shall serve as the procedural guide for the administration of this chapter.

(Ord. No. 10-97, § 1, 3-4-97)

Sec. 5-2-2. - Application.

This chapter applies to contracts for the procurement of supplies, materials, equipment, services, construction and professional services entered into by the county. It shall apply to every expenditure of public funds. Nothing in this chapter shall prevent any department or agency from complying with the terms and conditions of any grant, gift, or bequest which are otherwise consistent with law.

(Ord. No. 10-97, § 1, 3-4-97)

Sec. 5-2-3. - Definitions.

As used in this chapter:

Agency and using agency means and shall include any department or offices or other organization units of county government.

Bidders list means a current file of sources of supply of articles for each category of commodities repetitively purchased for county use.

Business means and shall include any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any private legal entity.

Change order means and shall include written changes to any contract, delivery, performance, price, quantity, destination, or other provisions by mutual action of the parties to the contract.

Construction means the process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings or real property.

Contract means and shall include all types of agreements, regardless of what they may be called, for the procurement of supplies, services, materials, equipment and construction.

Procurement means and shall include duties performed by purchasing, as well as such additional functions as materials supervision and management, inventory control, receiving, inspection and salvage operations.

Greenwood County Policy Number 2002 shall provide user departments with the single most valuable tool to help them understand the county's policies, procedures, regulations, and requirements. It can serve as guidance and instruction for new employees, as well as a reference for an experienced staff.

(Ord. No. 10-97, § 1, 3-4-97)

Sec. 5-2-4. - Compliance with state and federal requirements.

(a) Procurement information and records shall be public records to the extent required by S.C. Code 1976, tit. 30, ch. 3 (the Freedom of Information Act), as amended, with the exception that commercial or financial information obtained in response to a request for proposals which is privileged and confidential [is] not to be disclosed.

(b) Where a procurement involves the expenditure of federal assistance to contract funds, the purchasing officer shall comply with such federal law and authorized regulations which are mandatorily applicable and which are not presently reflected in this chapter.

(c) Standards of conduct. In all actions involving the procurement of supplies, services, or construction for this county, the provisions of S.C. Code 1976, tit. 8, ch. 13 (State Ethics Act), as amended, shall be complied with.

(Ord. No. 10-97, § 1, 3-4-97)

Sec. 5-2-5. - Purchase order required.

All purchases made for and on behalf of the county, except as set out in Greenwood County Policy Number 2002, shall be authorized by a purchase order issued by the Treasurer's office or procurement card.

(Ord. No. 10-97, § 1, 3-4-97)

Sec. 5-2-6. - Awarding of purchase orders; bid procedures.

Greenwood County Policy Number 2002 shall govern bid procedures and the awarding of purchase orders.

Sec. 5-2-7. - Conflict of interest.

Any county official or county employee who, in the discharge of his official duties, would be required to take an action or make a decision which would substantially affect his personal financial interest or that of a member of his household, or a business with which he is associated, shall instead take the following actions:

(1) He shall prepare a written statement describing the matter requiring action or decision, and the nature of his potential conflict of interest with respect to such action or decision.

(2) If he is a county employee, he shall furnish a copy to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take such action as prescribed by the state ethics commission.

(3) If he is a member of the county council or any commission, committee or board of the county, he shall furnish a copy to the presiding officer and to the members of that council, commission, committee or board on which he serves, who shall cause such statement to be printed in the minutes and shall require that

the member be excused from any votes, deliberations or other actions on the matter on which the potential conflict of interest exists, and shall cause such disqualification and the reasons therefor to be noted in the minutes.

(Ord. No. 10-97, § 1, 3-4-97)

Cross reference— *Conflict of interest of councilmembers, § 2-2-6; employee ethics, § 4-1-81 et seq.*

Sec. 5-2-8. - Requisitions.

Except as noted in Greenwood County Policy Number 2002, all county officers and employees shall submit requisitions for services, supplies, equipment and materials to the Treasurer's Office.

(Ord. No. 10-97, § 1, 3-4-97)

Sec. 5-2-9. - Supply management.

(a) All agencies and departments shall submit to the county manager, at such times and in such form as he shall prescribe, reports showing stocks of all supplies, materials and equipment which are no longer used or which have become obsolete, worn out, or scrapped. The county manager shall have the authority to transfer any such items which are usable to another agency or department in lieu of filling requisitions for the purchase of new and additional stock of the same or similar articles.

(b) The county manager may authorize the disposal of any items which are no longer usable and are of no value.

(c) The county manager shall have authority to sell all such supplies, materials and equipment which cannot be used by any agency or department or which have been found by the county manager not to be required for public use; or to exchange or trade in such articles in part or full payment for new supplies, materials, or equipment of a similar nature. Any such sale shall be by public auction or competitive sealed bid to the highest bidder.

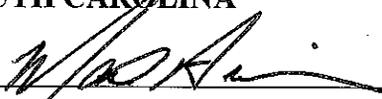
(Ord. No. 10-97, § 1, 3-4-97)

Section 2. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict only, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Section 3. This Ordinance shall become effective on the third reading.

Passed and approved this 7th day of January, 2014.

**GREENWOOD COUNTY,
SOUTH CAROLINA**



Mark Allison, Chairman
Greenwood County Council

STATE OF SOUTH CAROLINA)
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COUNTY OF GREENWOOD)

ENDORSEMENT OF MANAGER

I, **Toby Chappell**, as Greenwood County Manager approved by the Greenwood County Council, have reviewed the foregoing Ordinance, and hereby approve the same as to its form, draftsmanship and proper title.



Toby Chappell

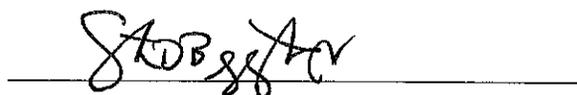
Greenwood, South Carolina

JANUARY 13, 201~~3~~4

STATE OF SOUTH CAROLINA)
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COUNTY OF GREENWOOD)

ENDORSEMENT OF ATTORNEY

I, **Stephen D. Baggett, Jr.**, as Greenwood County Attorney approved by the Greenwood County Council, have prepared and reviewed the foregoing Ordinance, and hereby approve the same as to its legality and constitutionality.



Stephen D. Baggett, Jr.

Greenwood, South Carolina

JANUARY 13, 201~~3~~4

STATE OF SOUTH CAROLINA

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COUNTY OF GREENWOOD

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ENDORSEMENT OF CLERK

I, **Ketekash Crump-Lukie**, as Clerk to the Greenwood County Council, approved by the Greenwood County Council, hereby certify that the foregoing Ordinance was read at three public meetings of the Greenwood County Council on three separate days, the said days being December 3, 2013, December 17, 2013, and January 7, 2014, that the foregoing Ordinance was passed and adopted by a majority vote of the members of the Greenwood County Council present at the public meeting on December 17, 2013, and that, at all times relevant to the foregoing Ordinance, the Greenwood County Council complied with all applicable provisions of the Code of Laws of South Carolina, in particular the South Carolina Freedom of Information Act, and the Code of Ordinances of Greenwood County.

Ketekash Crump-Lukie

Ketekash Crump-Lukie

Greenwood, South Carolina

13 January, 2013